



March 31, 2022

National Organic Standards Board
USDA – AMS
1400 Independence Ave, SW
Washington, DC 20250
RE: AMS-NOP-21-0087

National Organic Standards Board members:

The Ohio Ecological Food and Farm Association (OEFFA) is a grassroots coalition of more than 4,200 farmers, gardeners, retailers, educators, and others who since 1979 have worked to build a healthy food system that brings prosperity to family farmers, safeguards the environment, and provides safe, local food. Certified organic farmers make up the bulk of our membership, as well as the bulk of our policy steering committee. OEFFA’s Certification program has been in operation since 1981. OEFFA certifies more than 1,200 organic producers and food processors, in a twelve-state region, ensuring that these operations meet the standards established for organic products, and collaborates with partners such as the Accredited Certifiers Association and International Organic Inspectors Association to foster consistency and clarity both in the way we conduct ourselves, and in what we expect from producers and handlers we certify, as well as from our colleagues at the NOP and NOSB.

OEFFA employs education, advocacy, and grassroots organizing to promote local and organic foods, helping farmers and eaters connect to build a sustainable food system. We work collaboratively with groups such as the Organic Farmers Association, the National Organic Coalition, and the National Sustainable Agriculture Coalition to affect positive food systems change. We want to support our farmers in their efforts to protect organic integrity and educate their communities about its benefits, its rigor, and its strong values of transparency and continuous improvement.

We thank you for your service to the organic community, and we respectfully offer the following comments:

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BIG PICTURE

FIELD AND GREENHOUSE CONTAINER PRODUCTION

We are part of an informal group of certification, education, and policy organizations who agree that soil is the foundation of organic agriculture, and who strive to achieve consistency in our organizational policies and certification decisions.

Specifically, we agree upon the following ideas:

- Soil is the foundation of organic agriculture.
- A full reading of the Organic Foods Production Act (OFPA 6513) and the Regulations requires that organic plants be grown in soil. Aeroponic, hydroponic, and crops grown to maturity in containers do not comply with [OFPA 6513(b)(1)].
- We cannot achieve consistency in our policies and decisions until the NOP goes through the formal rulemaking process for Greenhouse Production Standards which were recommended by NOSB nearly 20 years ago.
- We cannot achieve consistency in our policies and decisions until containers go through the process of NOSB discussion, recommendation, and NOP rulemaking.

The members of this group agree that the following crops grown in containers have historically been certified organic, and ought to be allowed to be certified organic moving forward. We have adopted them into certification policies in the absence of clear and applicable standards.

- **Sprouts** (which are mentioned in the rule as requiring organic seed, and which take their nutrition entirely from the seed)
- **Microgreens** (which are not mature at the time of harvest, but are sold as an immature plant, and which also derives much of its nutrition from the seed)
- **Fodder** (sprouts for livestock)
- **Transplants**, annual seedlings, and perennial planting stock (which are subsequently transplanted and grow to maturity in soil)
- **Mushrooms** (fungi, not plants, but widely certified with somewhat consistent ad hoc policies developed by certifiers over time, based on the NOSB Final Recommendation on the Mushroom Practice Standard, or using livestock standards, as fungi are other, non-plant life. There are, however, significant differences in terms of what certifiers allow as substrate. Development of mushroom standards is a high priority for us.)

Based on our interpretation and full reading of OFPA and the NOP regulations, our current consensus is that the above is a complete list of crops that should be allowed to be certified when grown in containers. These items still require NOSB discussion, recommendation, and rulemaking to improve the consistency of existing extrapolation, interpretation, and certification. The 2010 NOSB recommendation on Terrestrial Plants in Containers and Enclosures should be used as a starting point. Admittedly, this “cart before the horse” approach to rulemaking, in which production types are certified before clear standards exist, is backwards and ought to be avoided moving forward.

To address these inconsistencies, we urge the NOSB to activate the latent agenda item “Field and Greenhouse Container Production.” We would happily provide detailed input as to the forward movement of this agenda item with the shared goal of improved transparency and consistency, and bringing us into greater alignment with the global organic movement, including the recent IFOAM position on Hydroponics¹. **Please work to add “Field and Greenhouse Container Production” back to the NOSB work agenda and lead our community in a discussion of this essential topic.**

Finally, because aeroponic, hydroponic, and crops grown to maturity in containers do not comply with [OFPA 6513(b)(1)], and because there is significant inconsistency in the way these forms of production are being handled by organic certifiers presently, **we urge the board to call for a moratorium on the certification of new aeroponic operations, hydroponic operations, and crops grown to maturity in containers** until we can utilize our existing NOSB and rulemaking process to move forward with greater consistency.

RACIAL EQUITY

OEFFA appreciates the work of the current Administration to bring equity issues to the fore within USDA, and the efforts of NOC and others to bring these issues to light within the organic community. We support NOC’s racial equity comments and have the following two specific requests:

1. Establish a Diversity, Equity, and Inclusion Subcommittee within the NOSB.

In order to make sure this topic receives the time and attention it deserves, we ask the NOSB to establish a Diversity, Equity, and Inclusion (DEI) Subcommittee to lead this work on the part of the Board. We know the NOSB has a set call schedule and recommend the merging of the policy subcommittee with the CACS to make room for this important work. In having a subcommittee with the purpose of moving DEI work forward within organic, the NOSB will build-in its own review process to ensure we challenge, and do not repeat, patterns of structural racism.

2. Add Fairness standards to the NOSB work Agenda and work to develop them.

Given that the Biden Executive Order on “Promoting Competition in the American Economy” sets the priority for development of fairness labeling so consumers can support fairness for farmers and workers, the members of NOC recommend that the NOSB engage in a public consultation process to develop social justice standards for the National Organic Program. The NOSB should add this topic as a work agenda item. We agree with NOC that IFOAM’s Principles of Fairness are a good starting point for discussion. The Principles are as follows:

¹ <https://www.ifoam.bio/sites/default/files/2021-06/organicsinaction.pdf>, p.45 – Hydroponic Production not in line with Organic Principles

- Organic Agriculture should build on relationships that ensure fairness with regard to the common environment and life opportunities
- Fairness is characterized by equity, respect, justice, and stewardship of the shared world, both among people and in their relations to other living beings.
- This principle emphasizes that those involved in organic agriculture should conduct human relationships in a manner that ensures fairness at all levels and to all parties – farmers, workers, processors, distributors, traders and consumers. Organic agriculture should provide everyone involved with a good quality of life, and contribute to food sovereignty and reduction of poverty. It aims to produce a sufficient supply of good quality food and other products.
- This principle insists that animals should be provided with the conditions and opportunities of life that accord with their physiology, natural behavior and well-being.

The NOSB could also refer to the Food Justice Certified (FJC) standards developed by the Agricultural Justice Project, which were developed over a four-year period of stakeholder input—involving farmers, farmworkers, interns and apprentices, and indigenous, retail, and consumer groups—and are an attempt to codify in concrete terms what making a legitimate claim of “social justice” in organic and sustainable agriculture means.

We thank the Board for your attention to these matters and we would be happy to support your efforts in this arena, as OEFFA certifies to the FJC standards and partners with AJP on Fair Farms programming.

TIMING AND FORMAT OF MEETINGS

We need more farmer participation in the NOSB process. To this end, OEFFA’s Grain Growers have continually requested an alternative to the current meeting schedule. They have heard the constraints of the board with regard to scheduling and continue to request a solution which would allow greater engagement of this important organic constituency. They suggested moving the schedule back two weeks each meeting. This would mean the meeting would rotate throughout the year, equally benefitting and inconveniencing various stakeholders over time. **We believe farmer participation is also a priority of the Board. How can we work together to ensure that the meetings are scheduled to maximize input from a variety of organic production systems across the country?**

Further, we would like to again thank the Program for making the NOSB meeting virtual during the pandemic. We appreciate the ability to access both the public comment and the formal meeting virtually. The virtual format increases access to participants, both individual partners and organizational stakeholders, who may not have the funds, time, or farm and family circumstances to enable several days away from home to attend the meeting. Please consider this feedback as you plan for future meetings.

ORGANIC AS A SOLUTION TO CLIMATE CHANGE

OEFFA would like to reiterate our appreciation for the NOSB letter to the Secretary connecting the promise of organic agriculture as a solution to climate change. In response, the National Organic Program sent the board a memo asking you to “...*facilitate public discussion and continue to work on the topic of organic farming and climate-smart agriculture.*” This would add the issue of climate change to the NOSB work agenda.

OEFFA agrees that the board can and should play a critical role in bringing together stakeholders from across the organic industry to highlight the positive role the organic industry can play in getting agriculture to net zero emissions. At the same time, it is ironic that NOSB autonomy over the work agenda has been restricted under the auspices of better

managing the board's time and resources. Examining the data and research on organic and climate change, the questions posed in "Reinforcing the Link Between Organic Farmers and Climate-Smart Agriculture" and the identification of "Resources for Organic Farmers to Advance Climate-Smart Agriculture" could be the sole focus of the board for the next two years due to the complexity and comprehensive nature of the issue and the role of organic within it.

Additionally, while "Connecting Organic Farmers to Climate-Smart Programs" needs to happen, the questions posed in this section require a level of research and coordination that does take place within the whole of USDA currently. We raise these concerns to highlight the fact that the role of organic in climate resilience is not an issue to be handled by the NOSB alone. USDA must commit staff and resources to this issue. Whether it is in supporting the research and analysis of the NOSB or working on those connections independently, there needs to be a substantial commitment by the agency to study and advance the voluntary, holistic suite of synergistic practices that is organic agriculture. That should not be the board's responsibility alone.

In OEFFA's 2021 comments we asked that the NOP have a seat at the table as *the department* undertakes this work. Instead, the USDA handed a set of questions to the NOSB asking you to show how organic is "climate-smart". The board demonstrated initiative in highlighting the critical role organic systems play in building a more resilient food and agricultural system, one that also provides numerous co-benefits, the mitigation of greenhouse gas emissions and greater adaptability to increasing weather extremes being a critical one. OEFFA will do everything we can to help the board in this endeavor and also support the board in pushing back with the USDA and requiring that they also put some skin in the game.

GLOBAL ORGANIC MOVEMENT CONSISTENCY

Just as the US organic regulatory system benefits from consistency of interpretation and application, the international organic movement benefits from increased consistency across national organic programs. There are a few materials in which there is a lack of consistent practice in the US system, which conflicts with our trade partners, organic neighbors, IFOAM interpretations, and CODEX regulations. We appreciate the Board's attention to this matter when reviewing each material, and we agree that we should bring our standards into greater concert with the global organic movement.

COMPLIANCE ACCREDITATION, AND CERTIFICATION

PROPOSAL: NOP RISK MITIGATION TABLE REVIEW

In general, we are supportive of NOP's Risk Mitigation strategy and we find the table to be largely complete. However, on page four in the undue influence category, we noted that hydroponic production was allowed because it was not explicitly prohibited. The typical process of discussion, recommendation, and rulemaking was not followed, given that the 2010 Greenhouse Recommendation never moved forward, no process occurred to allow certification of hydroponics, and no standards were developed. (Please reference our more detailed comments on this topic under the heading Greenhouse and Container Production.) Further, using the example of the certification of hydroponic operations, the monitoring method conflicts with the control measure in some ways because the "past decisions" adhere neither to the law nor the organic regulations.

We encourage the program to focus on the areas where it has the ability to provide clear, consistent, and transparent regulations based on the NOSB recommendations to address the issue of inconsistencies between certifiers, which more often than not arise from unclear direction from the Program, demand a great deal of certifier time, and cause operator consternation.

DISCUSSION DOCUMENT: HUMAN CAPITAL MANAGEMENT: SUPPORTING THE WORK OF THE BOARD

OEFFA appreciates the Board's work on this important topic. We think a creative solution can be found which serves the Board and stakeholders, ultimately benefiting the whole Program. Providing support to NOSB members would broaden the pool of potential NOSB members. It would make a very challenging job more manageable. It could leave more room for creative thinking and problem solving. We want the Board to be appropriately representative of the organic industry. While we cannot eliminate certain barriers to participation, we can provide support in terms of extra work that needs to be done. Please see our answers to your questions below. Let's find common ground and move this agenda item into action.

Questions for Further Discussion:

1. *What are the advantages or disadvantages of having support come from within the government? From a nonprofit or university?*

We believe that NOSB members should not be limited to a single mechanism, but we prefer options that preserve the independence of NOSB members. NOP should not screen the people who are hired to give assistance. We prefer that NOP set a policy for reimbursement for such assistance that establishes a maximum amount to be reimbursed to NOSB members. That way, NOSB members can seek the type of support they need when they need it and from the sources they deem appropriate.

2. *What NOSB tasks, if any, are critical to keep completely independent from the support team?*

Deliberation, decision making, and writing final comments should be the exclusive job of the Board members.

3. *Should the support team be privy to all Subcommittee meetings and discussions?*

Yes, as should the organic stakeholder community. Transparency is key, and the notes from subcommittee meetings can help the community better understand the thinking of board members.

4. *What should be the scope of the NOP's relationship with the contemplated support group, i.e., should they be able to task the group directly?*

No, the NOP should not be able to task the support folks for the NOSB directly. The NOP should take on the administrative role of providing the funding through a nonprofit or other fiscal sponsor which the NOSB members can spend on the NOSB support of their choosing. We had hoped this support would come from graduate students as a way to engage students in NOSB work and benefit from their academic expertise, but we are open to other solutions. The power must remain with the NOSB members to seek the sort of support they need and make it simple for them to compensate those tasked with providing the support.

DISCUSSION DOCUMENT: OVERSIGHT IMPROVEMENTS TO DETER FRAUD: MODERNIZATION OF ORGANIC TRACEABILITY INFRASTRUCTURE

Thank you for your continued work on this important topic. OEFFA Grain Growers are generally in favor of a universal Bill of Lading, and we appreciate the ongoing efforts from multiple angles to deter fraud. Please see responses to your specific questions below.

Questions for Stakeholders:

1. *Should acreage by crop be included on organic certificates?*

Yes. As noted in the Discussion Document, some certifiers, including OEFFA, are already doing this.

2. *In addition to total certified acres should acres per crop also be included on the organic certificate and be public-facing in the Organic Integrity Database?*

Yes, acres per crop should be included on the organic certificate. This information is already listed on OEFFA organic certificates. This information is necessary to address fraud. Additionally, number of animals could be listed on certificates as well, recognizing that the number listed would be a snapshot rather than a full picture as flock and herd numbers are in constant flux. Both per-crop acreage and number of animals would be beneficial to include in the Organic Integrity Database for ease of verification. (We note that number of animals in each class is especially variable with dairies; reasonable listing options for the same farm might include either, for example, 40 lactating cows and 8 dry cows, or 48 lactating and 0 dry cows.) We would not expect these numbers to be updated more than once a year per operation given the burden of verifying and reporting them.

3. *How can the community better educate inspectors and certified operators on what is sufficiently auditable record-keeping? (e.g., organic learning center, etc.)*

We could utilize the Organic Integrity Learning Center to provide specific examples of what is sufficient versus what is not sufficient in many different scenarios. If we were to use the OILC for this purpose, we would need to be clear about the audience (certifier, inspector, or operator), and ensure that the course is widely promoted.

If farmers were to be the primary audience, it would be wonderful for the OILC to have its own YouTube Channel that educators could readily share with organic operators.

4. *What opportunities are there for stakeholders to collaborate in creating additional resources(e.g., forms, etc.) for use by organic operations that incorporate key data elements?*

Several certification and sustainable agriculture agencies, including OEFFA, have sample recordkeeping documents available to their certified and transitioning operators. Transitional education has the potential to set operators up for success with recordkeeping templates and standard operating procedures. Recordkeeping can be viewed as a problem or a tool. If we can work with operators to make it a tool, it will work for them, rather than being extra work that they do.

5. How can the NOP assist certifiers in issuing non-compliances for insufficient record keeping?

OEFFA does not struggle to issue recordkeeping noncompliances, in fact, it is the most common noncompliance we issue, as is also the case, per a recent, informal survey we conducted, for several of our certifier colleagues. The question is, how do we support producers in keeping the records they need to keep in ways that work for them?

We encourage the program to focus on the areas where they have the ability to provide clear, consistent, and transparent regulations based on the NOSB recommendations so that certifiers can focus on certifying, and farmers and handlers can focus on running their businesses.

CROPS

PROPOSAL: HIGHLY SOLUBLE NITROGEN FERTILIZERS

Motion to add at §205.105:

Nitrogen fertilizers with a C:N ratio of 3:1 or less, including those individual components of a blended fertilizer formulation, are limited unless use is restricted to a cumulative total use of 20% of crop needs.

Organic agriculture is a systems approach which is intended to feed the soil, not the crop. OEFFA appreciates the board's thorough work on this topic and supports the addition of this motion to §205.105.

PROPOSAL: CARBON DIOXIDE- PETITIONED

For considered addition at:

§205.601(a) for use as an algicide, disinfectant, and sanitizer, including irrigation system cleaning systems

§205.601(j) as a plant or soil amendment

OEFFA does not support the addition of carbon dioxide to §205.601(a) for use as an algicide, disinfectant, and sanitizer, including irrigation system cleaning systems. We have heard no indication from producers that an additional material is needed for this purpose, nor does the petition make a strong case. Additionally, a comprehensive and comparative review of sanitizers is needed before we add additional materials of this nature to the list for use.

OEFFA does not support the addition of carbon dioxide to §205.601(j) as a plant or soil amendment. We disagree with the subcommittee's assessment that this material, in this context, is compatible with a system of sustainable agriculture. Organic production involves a systems approach that focuses on the health of the soil rather than on inputs to increase plant growth. Further, organic is a climate change solution, and the addition of greenhouse gas to the National List would be both unnecessary and unwise.

2024 SUNSET SUBSTANCES REVIEW 205.601 AND 205.602

HERBICIDES, SOAP-BASED

§205.601(b) As herbicides, weed barriers, as applicable (1) herbicides soap-based—for use in farmstead maintenance (roadways, ditches, right of ways, building perimeters) and ornamental crops

OEFFA does **not** support the continued listing of Herbicides, soap-based, for farmstead maintenance and ornamental crops. This material is not essential for farmstead maintenance. We have only rarely seen these materials requested by our certified operations.

BIODEGRADABLE BIOBASED MULCH FILM

§205.601(b) As herbicides, weed barriers, as applicable (2) mulches (iii) Biodegradable biobased mulch film as defined in §205.2. Must be produced without organisms or feedstock derived from excluded methods.

OEFFA appreciates the Board's work on this topic and the way it was clearly summarized in the meeting materials. We support the continued listing of this material and look forward to rulemaking according to the Board's 2021 recommendation.

STICKY TRAPS/BARRIERS

§205.601(e) As insecticides (including acaricides for mite control)

(9) sticky traps/barriers

OEFFA supports the relisting of sticky traps and barriers as a pest management option.

ELEMENTAL SULFUR

§205.601(h) As slug or snail bait.

(2) Elemental Sulfur

Products containing elemental sulfur and "inert" ingredients are listed on several OEFFA organic system plans for vegetable production. As mixed vegetable operators reduce tillage and use more mulches to cover the soil, slug management options may become increasingly necessary. That said, we are uncomfortable with the secret "inert" ingredients present in these products. This is another example of the urgent need to address "inerts" in organic production.

FIXED COPPERS AND COPPER SULFATE

Coppers *§205.601(i) As plant disease control. (2) Coppers, fixed- copper hydroxide, copper oxide, copper oxychloride, includes products exempted from EPA tolerance, Provided, that, copper-based materials must be used in a manner that minimizes accumulation in the soil and shall not be used as herbicides.*

Copper Sulfate *§205.601(i) As plant disease control. (3) Copper sulfate- Substance must be used in a manner that minimizes accumulation of copper in the soil.*

OEFFA supports the continued listing of fixed coppers and copper sulfate on the National List for organic crop production.

OEFFA producers utilize many cultural practices to support plant health and prevent diseases, including pruning, wider spacing between plants, crop rotation, variety selection, nutrient management, and mulches. They also employ products containing hydrogen peroxide, as well as several other remedies including milk, oils, and microbial inputs to manage diseases. While these practices and products are helpful, they are insufficient to manage disease problems such as phytophthora in tomatoes, peppers, eggplants, and cucurbits. OEFFA producers work to make sure that copper does not accumulate in the soil by using specially designed sprayers and spraying techniques, as well as crop rotations and soil testing. Some report success in managing disease by alternating between hydrogen peroxide and copper applications, further reducing the use of copper.

Copper is a controversial input in organic production and, due to the negative effects it can have on soil, aquatic ecosystems, and farmworker health, its use is often cited in critiques of organic production systems. For these reasons, we want to encourage further research into other viable disease management tools and approaches, such as research focusing on the ecology of fungal diseases, for use in organic production. However, copper remains important in growing organic produce. Our producers maintain that copper is an essential part of their disease management programs and there is currently no comparable substitute available.

HUMIC ACIDS

§205.601(j) As plant or soil amendments.

3) Humic acids- naturally occurring deposits, water and alkali extracts only

OEFFA supports the continued listing of humic acids. OEFFA producers include several inputs containing various humic acids on Organic System Plans to support nutrient uptake.

MICRONUTRIENTS

Soluble boron products *§205.601 (j)(6) -As plant or soil amendments. Micronutrients—not to be used as a defoliant, herbicide, or desiccant. Those made from nitrates or chlorides are not allowed. Micronutrient deficiency must be documented by soil or testing or other documented and verifiable method as approved by the certifying agent.*

(i) Soluble boron products.

Sulfates, carbonates, oxides, or silicates of zinc, copper, iron, manganese, molybdenum, selenium, and cobalt *§205.601 (j)(6) -As plant or soil amendments. Micronutrients—not to be used as a defoliant, herbicide, or desiccant. Those made from nitrates or chlorides are not allowed. Micronutrient deficiency must be documented by soil or testing or other documented and verifiable method as approved by the certifying agent. (i) Soluble boron products.*

(ii) Sulfates, carbonates, oxides, or silicates of zinc, copper, iron, manganese, molybdenum, selenium, and cobalt.

Micronutrients from mined and synthetic sources are listed on the Organic System Plans of OEFFA producers. Some soils in our coverage region are naturally and perpetually low in certain essential micronutrients and the allowance of synthetic sources is relied upon by many of our certified operations, as single amendments and as ingredients of other inputs. OEFFA supports the continued listing of Micronutrients.

SQUID BYPRODUCTS

§205.601(j) As plant or soil amendments

(10) Squid byproducts- from food waste processing only. Can be pH adjusted with sulfuric, citric, or phosphoric acid. The amount of acid used shall not exceed the minimum needed to lower the pH to 3.5.

OEFFA supports the continued listing of squid byproducts from food waste processing only. Our review of this material led us to reflect on the other marine inputs that are widely listed on the Organic System Plans of OEFFA producers, such as Kelp and Fish meal. In a system of sustainable agriculture, we want to ensure we pay as much attention to the aquatic environment as we do the terrestrial one, and as stewards of organic agriculture in the US, we want to make sure we build upon the work of previous NOSB members in the realm of marine materials. How can we honor that body of work and keep it moving forward?

LEAD SALTS

§205.602(d) Lead salts

Nonsynthetic substances prohibited for use in organic crop production

We support the relisting of this material.

TOBACCO DUST (NICOTINE SULFATE)

§205.602(j) Tobacco dust (nicotine sulfate)

Nonsynthetic substances prohibited for use in organic crop production

We support the relisting of this material.

HANDLING

PETITIONS

CETYLPYRIDINIUM CHLORIDE (CPC)

OEFFA does not support the addition of Cetylpyridinium chloride (CPC) at 205.605. This material is not necessary, as existing products support the needs for carcass washing in organic systems. Our handlers typically use peracetic acid. Further, it is not appropriate to add another material to the National List which involves a “required inert” of propylene glycol without having a logical system for reviewing “ancillary substances” in organic systems.

PHOSPHORIC ACID – AMEND NOTATION

OEFFA does not support the additional use (amended notation) for phosphoric acid. Just as the subcommittee noted in its summary of review, we do not understand “how and in what finished food products this going to be used.” Because we do not understand why it is needed or its intended use, we cannot recommend that this listing be amended for additional uses.

2024 HANDLING SUNSETS

DIATOMACEOUS EARTH

§205.605(a) Nonsynthetics allowed

Diatomaceous earth- food filtering aid only.

OEFFA supports the continued listing of diatomaceous earth for use as a filtering aid. DE is used widely by OEFFA's maple producers.

NITROGEN

§205.605(a) Nonsynthetics allowed

Nitrogen- oil-free grades

OEFFA supports the continued listing of nitrogen on the National List. Several OEFFA handlers have listed nitrogen on their OSPs for packaging of coffee, baby food, and kombucha.

ACIDIFIED SODIUM CHLORITE

§205.605(a) Nonsynthetics allowed

Acidified sodium chlorite—Secondary direct antimicrobial food treatment and indirect food contact surface sanitizing. Acidified with citric acid only.

This material is not widely listed on Organic System Plans by OEFFA producers. Meat processors are primarily using citric acid or lactic acid as carcass washes. Produce handlers primarily use peracetic acid.

CARBON DIOXIDE

§205.605(b) Synthetics allowed

Carbon dioxide

OEFFA supports the continued listing of carbon dioxide on the National List for those handlers using it for carbonation. Additionally, carbon dioxide is one of the only organic compliant materials (another is ethanol) used to extract CBD from hemp.

POTASSIUM ACID TARTRATE

§205.606(q) Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as "organic."

We appreciate the subcommittee raising the question regarding whether or not there is an adequate supply of organically produced potassium acid tartrate and we will be interested in the response from the community. This material is listed on the Organic System Plans of some OEFFA handlers for use in baked goods.

LIVESTOCK

2024 LIVESTOCK SUNSET REVIEWS

CHLORHEXIDINE

§205.603(a)(9) (CAS # 55-56-1) - for medical procedures conducted under the supervision of a licensed veterinarian. Allowed for use as a teat dip when alternative germicidal agents and/or physical barriers have lost their effectiveness.

OEFFA supports the continued listing of Chlorhexidine on the National List. While the majority of OEFFA Organic System Plans do not list Chlorhexidine, it is an important input to re-list, as it can be applied in powder form rather than liquid form in winter to avoid chapped teats. We recognize that this isn't widely allowed elsewhere, and we appreciate the limited use described in the annotation.

COPPER SULFATE

*§205.603(b) As topical treatment, external parasiticide or local anesthetic as applicable
(1) Copper sulfate.*

OEFFA supports the continued listing of copper sulfate on the National List for livestock production.

OEFFA certified operations utilize several cultural practices to support hoof and foot health in their organic management systems, including rotational grazing, maintaining dry housing and laneways, confining animals in very wet conditions, and conducting hoof trimming as needed. Despite these practices, foot and hoof issues such as foot rot, heel warts, and hairy warts arise from time to time. OEFFA producers are generally seeing these issues in one to three animals at a time, not in the entire herd. More issues seem to arise in those herds which, while meeting the organic grazing requirements, engage in comparatively less grazing.

Currently, OEFFA producers are using varied remedies to treat foot issues, including copper sulfate, hydrogen peroxide, iodine, and various home remedies including sulfur and garlic powder, a sugar/molasses paste, and dietary supplements including salt. Copper sulfate is typically administered as a walk-through footbath, and footbath wastewater is typically mixed with manure and applied to fields. Although the copper sulfate would compose a relatively small portion of the manure applied, it should be disposed of in a manner that minimizes accumulation of copper in the soil, which could be monitored through soil testing.

Copper is a controversial input in organic production due to the negative effects it can have on soil, aquatic ecosystems, and farmworker health, and as such its use is included in critiques of organic production systems. For these reasons, we want to encourage further research into other viable disease management tools for use in organic production. Zinc sulfate is also an important tool for hoof treatment in ruminant livestock, and we note that it's helpful to have products with which to rotate. Still, copper sulfate is more widely listed on Organic System Plans of OEFFA producers. Additionally, an experienced OEFFA dairy producer recently raised a question regarding the use of zinc chloride, which is allowed for use in livestock feed, but not as a foot bath for hoof treatment, which seems worthy of your consideration.

LIDOCAINE

§205.603(b) As topical treatment, external parasiticide or local anesthetic as applicable

*(4) **Lidocaine**—as a local anesthetic. Use requires a withdrawal period of 90 days after administering to livestock intended for slaughter and 7 days after administering to dairy animals*

We urge lidocaine's continued listing on the National List. It is effective, widely listed on Organic System Plans, and is important for animal welfare.

MATERIALS

PROPOSAL: EXCLUDED METHODS SPRING 2022

OEFFA supports keeping Genetic Engineering and evaluation of excluded methods on the NOSB work agenda. This quickly evolving technology will require ongoing efforts by the board to determine if new technologies do or do not meet their current definitions, or if there is a need to incorporate additional criteria into definitions to evaluate new and unique technologies.

Regarding the proposal, we appreciate the work of the board to clarify cell and protoplast fusion on the table of Excluded Methods. OEFFA agrees that any technology used to manipulate the genetic code in a manner that is outside traditional plant and animal breeding should remain prohibited in organic systems. We also support the definitions and criteria developed by previous board members.

The one edit we would recommend, after consultation with NOC members, is that the term "recombinant DNA" be replaced by "invitro nucleic acid technologies." The latter term is more accurate and is used in Codex Alimentarius. The overwhelming comment in concurrence of Policy Memo 13-1 in conjunction with the regulatory definition provide the necessary clarity to move this issue forward. So long as Cell Fusion is utilized within the taxonomic plant families and no material is derived from invitro nucleic acid techniques, it should be an allowed method. Similarly, Protoplast Fusion that is limited to use when the donor and/or recipient cells are within the same taxonomic plant families should also be permitted.

We support the vote in subcommittee and urge the board to accept the proposal with the understanding that it will require ongoing evaluation as new technologies emerge.

PETITION: TALL OIL, DISTILLED

OEFFA does not support the petitioned listing of Tall Oil as an "inert" ingredient. The National Organic Coalition has previously provided a descriptive, step-by-step process for the NOSB and NOP to begin to tackle "inert" ingredients. We should not add any "inert" ingredients to the list until we have a consistent and logical system for evaluating "inerts."

NOSB RESEARCH PRIORITIES

The Way in Which Research Is Conducted

The way research is conducted is just as important as the research itself. To the extent possible, organic research should be done in partnership with organic producers on working farms. This will help ground the research in the realities faced by organic producers in the field. Further, researchers should take care to disseminate the interim and end-of-study findings of research with organic producers, in brief, accessible technical publications, and in paper and digital formats, to maximize farmers' access to this information.

Crops

1. Conservation tillage systems in organic agriculture, carbon sequestration and the soil microbiome

Conversations around agriculture and climate change as well as soil health often dissolve into a focus on no-till vs. minimal tillage systems. We are seeing some progress on organic no-till and more research continues to be needed in this area. However, it is also necessary to acknowledge producers who have lost entire crops in organic no-till experimentation. They need on site technical assistance and research support as they test this system out in varied geographies and soil types across the country.

It is equally important to research minimal/conservation tillage systems in terms of how they affect the soil food web and carbon sequestration. While organic no-till may offer myriad benefits, we should not ignore the fact that it may not work in all areas and all production systems and that there may also be unique advantages to conservation tillage systems that require further study.

2. Study the decomposition rates and effects of biodegradable biobased mulch film residues on soil biology

OEFFA acknowledges that a biodegradable biobased mulch film would be a great asset to producers, and we receive regular requests for its use. Simultaneously, a great deal of plastic is currently in use by organic producers, much of which ends up in the landfill at the end of each season. Just as we have no desire for a product to be in use which would cause environmental and health effects as it breaks down in the soil, we are eager for an alternative to plastic mulch. Additional research and development of a safe, biodegradable biobased mulch film for organic production is imperative.

3. Research the relation of organic production systems and water quality impacts

In Ohio and many other states concerns about agriculture impacts on water quality continue largely unabated. Whether the concerns relate to nitrogen or phosphorous, state governments and farmers alike are being tasked with identifying and implementing solutions. After approximately 10 years of study and tens of millions of dollars of federal investment in the Western Lake Erie Watershed Basin more than ¾ of the agricultural land in the watershed remains without winter cover crops. While there has been some reduction in nutrient loading, significant progress toward the international goal of reducing dissolved reactive phosphorus by 40% remains out of reach. Organic producers must plan for their applications of nutrients in a way that protects watershed health and do not use the synthetic phosphorous or nitrogen which are significant contributors to nutrient loading. Despite these benefits of organic management systems there has been little to no study of how wider adoption of organic management practices could help meet water quality goals. ***Please ensure that USDA prioritizes research into the connections between organic management systems and water quality.***

Coexistence

1. Integrity of breeding lines and ways to mitigate small amounts of genetic presence

The climate crisis and it's effects make public germplasm collections of paramount importance. Those resources must be kept viable and free from contamination for the viability of the organic food system and as they will be

needed to respond to future climate change. Please emphasize the importance of this issue with USDA to the greatest extent possible.

2. **Prevention of GMO contamination: Evaluation of effectiveness**

Organic and non-organic systems have continued to coevolve for decades now with minimal attention to the impacts on organic growers. The reality is that they have been bearing 100% of the risk and the cost of contamination. We know this is not effective or equitable. A research strategy that combines the state of the science on drift and other forms of contamination ***accompanied by the social science dynamics*** of these very different farm cultures and cohorts would be able to bring together these dynamics and make workable recommendations for both organic and non-organic growers. As more and more producers focus on soil health, organic AND regenerative agriculture, the issue will only continue to grow in importance.

Food Handling and Processing

1. **Alternatives to Bisphenol-A in organic product packaging**

BPA poses serious hazards and OEFFA supports its elimination from organic food packaging. At the same time, since known alternatives to BPA may also present similar problems, the NOSB should approach the issue of food packaging in a comprehensive way. Research on alternatives is necessary to clear the way for safer packaging of organic products.

Livestock

1. **Evaluation of methionine for use in organic poultry production**

We have noticed an increased use of metal methionine hydroxy analogue chelates, or, in common language, synthetic methionine stuck to copper, manganese, or zinc. We have allowed the use of such chelates under §205.603(d)(2), "Trace minerals, used for enrichment or fortification when FDA approved," because these substances are AAFCO approved as sources of these minerals. Typically, however, synthetic methionine use would be regulated under §205.603(d)(1), which specifically addresses DL-Methionine. This work-around underscores the urgent need for natural methionine sources within a holistic, systems-based approach to poultry production.

Substantial research has already been conducted investigating isolated strategies for raising chickens organically and humanely without synthetic amino acid supplementation. **Systems based research on eliminating DL-Methionine in organic poultry feeds should investigate the impacts of natural methionine feed sources, breed, and high-welfare management strategies simultaneously.** If we don't spend time investigating natural methionine sources in a systems-based approach, creative ways of including synthetic methionine in poultry diets will continue to proliferate.

General

1. **Conduct research to examine the climate mitigation and adaptation benefits of organic agriculture.**

Invest significant resources into the examination of the climate mitigation and adaptation effects that result from the use of the synergistic suites of practices utilized by certified organic producers. Many organic producers utilize diverse and longer-term crop rotations, plant buffer strips and nurture soil health as it is their nutrient bank. These are often combined with other practices that offer multiple ecosystem co-benefits and work together resulting in positive environmental outcomes that equal more than the sum of their individual parts. As our culture faces the very real threats of climate change, it is critical that we not focus on single, silver bullet solutions. Systems thinking and systems practice is what will help us get agriculture to net zero emissions and organic production systems are key. Yet, if we don't invest in research clearly affirming the potential, we will have missed an important opportunity to help farmers move to a voluntary system that is more sustainable and has a ready market. This research must be prioritized today.

2. Conduct market research on the opportunities for small grains.

In order to provide healthy, culturally appropriate food for communities, maintain viable organic farming operations, and meet growing consumer demand, organic grain growers work within an ecological system founded in healthy soil. Key in this system is a robust crop rotation, which aids the farmer in managing pests, weeds, and diseases, holds soil in place through all four seasons, and grows a portion of the fertility needed for the next crop in the rotation. Organic farmers know the importance of this rotation, and yet, in transitioning to organic, building and marketing a robust rotation is one of the biggest challenges transitional and new organic farmers face. Beyond providing incentives for planting cover crops, there are likely incredible opportunities to find viable market outlets for the small grains many growers use as part of a crop rotation.

3. **PFAS**, while not an exclusively organic issue, requires some additional research in the organic system context to map its current existence on farmland, as well as its flow through the environment. In order to do this work, we will also have dig into the testing methods used to measure the PFAS in its various forms. This topic is closely related to the latent agenda item on **Contaminated Inputs**. Please reference Beyond Pesticides comment with regard to this topic as a whole.

POLICY DEVELOPMENT

PROPOSAL: PPM UPDATES- PUBLIC COMMENT PROCESS

OEFFA supports the Policy Development Subcommittee's motion to accept these proposed changes.

While we agree in principle and appreciate the attempt to set this boundary, we want to note that discourse is a powerful tool, and that, at times, it may be difficult to make certain points without impugning a particular entity. Our interpretation of your proposed changes is that respectful dissent is allowed and appreciated in public comment, just as it should be on the NOSB.

On behalf of the Ohio Ecological Food and Farm Association and OEFFA Certification,

Amalie Lipstreu

Amalie Lipstreu, Policy Director